

2013 DRAFTING REQUEST

Bill

Received:	9/24/2012	Received By:	phurley
Wanted:	As time permits	Same as LRB:	
For:	André Jacque (608) 266-9870	By/Representing:	Michael Murphy
May Contact:		Drafter:	phurley
Subject:	Criminal Law - sentencing Local Gov't - counties Local Gov't - munis generally	Addl. Drafters:	mshovers
		Extra Copies:	EVM

Submit via email: **YES**
Requester's email: **Rep.Jacque@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Surcharge to fund crime prevention services; create local crime prevention and distribution boards

Instructions:

redraft of substitute amendment to lrb 11-1818 (lrb 11s0310)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 9/25/2012	jdyer 9/27/2012		_____			
/1	mshovers 11/27/2012		jmurphy 9/27/2012	_____	srose 9/27/2012		State S&L
/2	mshovers 12/26/2012	jdyer 12/4/2012	jmurphy 12/4/2012	_____	mbarman 12/4/2012		State S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3		jdye 1/4/2013	rschluet 1/4/2013	_____	sbasford 1/4/2013	lparisi 2/28/2013	State S&L

FE Sent For:

atitro
3/14

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/2	13 MES 12/26/12	jdyer 12/4/2012	jmurphy 12/4/2012		mbarman 12/4/2012		State S&L

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2013 DRAFTING REQUEST

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For: Andre Jacque (608) 266-9870 By/Representing: Michael Murphy
May Contact: Drafter: phurley
Subject: Criminal Law - sentencing Addl. Drafters: MES
Extra Copies: EUM

Submit via email: YES
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/1	12 MES 11/27/12	2 12/4 jld	9/27/2012		srose 9/27/2012		State S&L
				JMS PH 12/4/12			

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/?	phurley	1 9/27 jld		jm EPA+ 9/27			

FE Sent For:

<END>

Hurley, Peggy

From: Murphy, Michael
Sent: Monday, September 24, 2012 11:46 AM
To: Hurley, Peggy
Subject: Bill Redrafts

Hello Peggy,

Could you please redraft the following bill from last year for the new session?

LRB-1818 (as amended – LRBs0310)

Thanks!

MICHAEL P. MURPHY

OFFICE OF STATE REPRESENTATIVE

André Jacque

2ND ASSEMBLY DISTRICT
P.O. Box 8953 • Madison, WI 53708-8952
(608) 266-9870 • Fax: (608) 282-3602
Toll-Free: (888) 534-0002
Rep.Jacque@legis.wi.gov



2011 ASSEMBLY BILL 385

November 18, 2011 – Introduced by Representatives JACQUE, ENDSLEY, MURSAU, A. OTT, SPANBAUER and TRANEL, cosponsored by Senator COWLES. Referred to Committee on Criminal Justice and Corrections.

1 AN ACT *to create* 753.40, 755.20, 757.17, 814.75 (4), 814.76 (3), 814.77 (3), 814.78
2 (4), 814.79 (3), 814.80 (4), 814.81 (4), 973.06 (1) (f) and 973.09 (1x) of the
3 statutes; **relating to:** making a contribution to a crime prevention
4 organization as a surcharge or as an allowable cost in a criminal case, as a
5 condition of probation, or as a surcharge in a forfeiture case.

Analysis by the Legislative Reference Bureau

This bill allows a circuit court or a municipal court to order a person who violates an ordinance that is the same as or similar to a criminal statute to make a contribution surcharge to certain qualifying organizations (crime prevention organizations). The bill also allows a circuit court in a criminal action to require a person who is found guilty of a crime to make a contribution surcharge in lieu of or in addition to a fine or certain court costs or, if the court places the person on probation, as a condition of probation.

Under the bill, a court that requires a contribution surcharge must determine that the person has the financial ability to make the contribution and, in a forfeiture case, the amount of the surcharge may not exceed the maximum amount of the forfeiture for the violation. In a criminal case, the court must also determine that the contribution is appropriate under the facts of the case.

Under the bill, if a court imposes a contribution surcharge but does not require the person to pay a forfeiture, fine, or court costs, the court shall state on the record the reasons why it is not requiring the person to pay the forfeiture, fine, or court costs.

ASSEMBLY BILL 385

Under the bill, a crime prevention organization may be a private, nonprofit organization that has as its primary purpose preventing crime, encouraging the public to report crime, or assisting law enforcement agencies in the apprehension of criminal offenders or a law enforcement agency that has a crime prevention fund, if the contribution is credited to the crime prevention fund and is used for crime prevention purposes. The bill requires any crime prevention organization that receives a contribution surcharge to submit a report annually to the clerk of the court that ordered the contribution. The report must list the names of the officers of the organization, the amount of contributions the organization received and the names of the contributors, how the contributions were spent, and the balance, if any, remaining at the time the report is made.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 753.40 of the statutes is created to read:

2 **753.40 Contributions to certain organizations and agencies.** (1) If a
3 circuit court finds in a forfeiture action that a person violated an ordinance that
4 prohibits conduct that is the same as or similar to conduct prohibited by state statute
5 punishable by fine or imprisonment, the circuit court may require, under ch. 814, the
6 person to make a contribution surcharge not to exceed the maximum amount of the
7 forfeiture that may be levied to an organization or agency specified in s. 973.06 (1)
8 (f) 1. if the court determines that the violator has the financial ability to make the
9 contribution.

10 **(2)** If the court does require a person to make a contribution surcharge to an
11 organization or agency specified in s. 973.06 (1) (f) 1. but does not require the person
12 to pay a forfeiture or court costs, the court shall state on the record the reasons why
13 it is not requiring the person to pay the forfeiture or court costs. All contribution
14 surcharges made under this section shall be made to the clerk of circuit court for
15 distribution to the organization or agency specified in s. 973.06 (1) (f) 1. The circuit

ASSEMBLY BILL 385

1 court may not require a person to make a contribution surcharge under this section
2 to an organization or agency specified in s. 973.06 (1) (f) 1. that has not complied with
3 the provisions of s. 757.17.

4 **SECTION 2.** 755.20 of the statutes is created to read:

5 **755.20 Contributions to certain organizations and agencies.** (1) If a
6 municipal court finds in a forfeiture action that a person violated an ordinance that
7 prohibits conduct that is the same as or similar to conduct prohibited by state statute
8 punishable by fine or imprisonment, the municipal court may require the person to
9 make a contribution not to exceed the maximum amount of the forfeiture that may
10 be levied to an organization or agency specified in s. 973.06 (1) (f) 1. if the court
11 determines that the violator has the financial ability to make the contribution.

12 (2) If the court does require a person to make a contribution to an organization
13 or agency specified in s. 973.06 (1) (f) 1. but does not require the person to pay a
14 forfeiture or court costs, the court shall state on the record the reasons why it is not
15 requiring the person to pay the forfeiture or court costs. All contributions made
16 under this section shall be made to the municipal court for distribution to the
17 organization or agency specified in s. 973.06 (1) (f) 1. The municipal court may not
18 require a person to make a contribution under this section to an organization or
19 agency specified in s. 973.06 (1) (f) 1. that has not complied with the provisions of s.
20 757.17.

21 **SECTION 3.** 757.17 of the statutes is created to read:

22 **757.17 Reporting by certain organizations and agencies.** Every
23 organization or agency specified in s. 973.06 (1) (f) 1. that receives a contribution
24 under s. 753.40, 755.20, 973.06 (1) (f), or 973.09 (1x) shall submit a report annually
25 by February 1 to the clerk of the court that ordered the contribution. The report shall

ASSEMBLY BILL 385**SECTION 3**

1 be on a form designed and provided by the director of state courts and shall include
2 all of the following information for the calendar year preceding the submittal of the
3 report:

4 (1) The amount of contributions received.

5 (2) The names of the persons who made the contributions.

6 (3) The expenditures made with the contributions.

7 (4) The balance of the contributions remaining.

8 (5) The name of the organization or agency that received the contribution and
9 the names of the officers of the organization or agency.

10 **SECTION 4.** 814.75 (4) of the statutes is created to read:

11 814.75 (4) The crime prevention organization contribution surcharge under s.
12 753.40, 973.06 (1) (f), or 973.09 (1x).

13 **SECTION 5.** 814.76 (3) of the statutes is created to read:

14 814.76 (3) The crime prevention organization contribution surcharge under s.
15 753.40, 973.06 (1) (f), or 973.09 (1x).

16 **SECTION 6.** 814.77 (3) of the statutes is created to read:

17 814.77 (3) The crime prevention organization contribution surcharge under s.
18 753.40, 973.06 (1) (f), or 973.09 (1x).

19 **SECTION 7.** 814.78 (4) of the statutes is created to read:

20 814.78 (4) The crime prevention organization contribution surcharge under s.
21 753.40, 973.06 (1) (f), or 973.09 (1x).

22 **SECTION 8.** 814.79 (3) of the statutes is created to read:

23 814.79 (3) The crime prevention organization contribution surcharge under s.
24 753.40, 973.06 (1) (f), or 973.09 (1x).

25 **SECTION 9.** 814.80 (4) of the statutes is created to read:

ASSEMBLY BILL 385

1 814.80 (4) The crime prevention organization contribution surcharge under s.
2 753.40, 973.06 (1) (f), or 973.09 (1x).

3 **SECTION 10.** 814.81 (4) of the statutes is created to read:

4 814.81 (4) The crime prevention organization contribution surcharge under s.
5 753.40, 973.06 (1) (f), or 973.09 (1x).

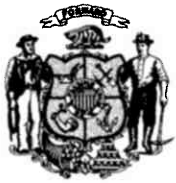
6 **SECTION 11.** 973.06 (1) (f) of the statutes is created to read:

7 973.06 (1) (f) 1. An amount determined by the court to make a reasonable
8 contribution surcharge to any of the following, if the court determines that the person
9 has the financial ability to make the contribution surcharge and the contribution
10 surcharge is appropriate:

11 a. A private nonprofit organization that has as its primary purpose preventing
12 crime, encouraging the public to report crime, or assisting law enforcement agencies
13 in the apprehension of criminal offenders.

14 b. A law enforcement agency that has a crime prevention fund, if the
15 contribution is credited to the crime prevention fund and is used for crime prevention
16 purposes.

17 2. If the court does require a person to make a contribution surcharge to an
18 organization or agency specified in subd. 1. but does not require the person to pay any
19 fine that may be imposed for the offense or court costs, the court shall state on the
20 record the reasons why it is not requiring the person to pay the fine or court costs.
21 All contribution surcharges made under this paragraph shall be made to the clerk
22 of circuit court for distribution to the organization or agency specified in subd. 1. The
23 court may not order a person to make a contribution surcharge under this paragraph
24 to a crime prevention organization that has not complied with the provisions of s.
25 757.17.



State of Wisconsin
2011 - 2012 LEGISLATURE

2013 BILL

ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 385

P.W.F.

9-25-12



LRBs0310/1
PJH:jld:jm

Keep
0129/1
/mr

February 27, 2012 – Offered by Representative JACQUE.

x

Regen

- 1 AN ACT *to renumber and amend* 973.045 (2); *to amend* 23.85, 59.40 (2) (n),
2 973.045 (1) (a) and 973.045 (1) (b); and *to create* 59.25 (3) (gm), 757.17, 973.045
3 (1r) (a) 4., 973.045 (2) (b) and 973.045 (3) (d) of the statutes; **relating to:**
4 increasing the crime victim and witness assistance surcharge and dedicating
5 funds for crime prevention organizations.✓

Analysis by the Legislative Reference Bureau

Under current law, if a person commits a crime, the court that sentences the person or places the person on probation must impose a surcharge in addition to any other sentence imposed upon the person. Currently, if the person is convicted of a misdemeanor, he or she must pay \$67; if the person is convicted of a felony, he or she must pay \$92.✓ The surcharge is divided three ways: part A (\$40 for each misdemeanor surcharge and \$65 for each felony surcharge), part B (\$20 for each misdemeanor and felony surcharge), and part C (\$7 for each misdemeanor and felony surcharge).

Currently, the clerk of courts collects the surcharge amounts and forwards them to the county treasurer, who in turn forwards them to the✓ Department of Administration to help fund programs for victims and witnesses of crime. Funds from parts A and C are used to reimburse victims and witnesses and reimburse

counties for victim and witness programs. Funds from part B are used to fund services for victims of sexual assault. Current law requires a person who is assessed this surcharge to pay part A in full before he or she pays part B, and both parts A and B before he or she pays part C. ✓

Bill ✓
 * This ~~substitute amendment~~ increases the surcharge by \$10 for a misdemeanor and for a felony. The ~~substitute amendment~~ creates a part D, which is funded by \$10 for each misdemeanor or felony and which a person who is assessed the surcharge may pay only after he or she pays parts A, B, and C in full. ✓ Under the ~~substitute amendment~~ the clerk of court forwards the amounts collected under part D to the county treasurer along with the other parts of the surcharge, but the treasurer retains those funds in a crime prevention fund. *bill*

Bill ✓
 * Under the ~~substitute amendment~~, the county treasurer, with the approval of the county board, pays the funds it receives from part D of the surcharge to a crime prevention organization. At least one-half of the funds must go to one or more private, nonprofit organizations that has as its primary purpose preventing crime, encouraging the public to report crime, or assisting law enforcement agencies in the apprehension of criminal offenders. ✓ The treasurer may pay the rest of the funds to a law enforcement agency that has a crime prevention fund, if the contribution is credited to the crime prevention fund and is used for crime prevention purposes. The ~~substitute amendment~~ requires any crime prevention organization that receives a contribution surcharge to submit a report annually to the clerk of the court that ordered the contribution. The report must list the names of the officers of the organization, the amount of contributions the organization received, how the contributions were spent, and the balance, if any, remaining at the time the report is made. ✓

Re-SPL ✓
 A
 The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 23.85 of the statutes is amended to read:

2 **23.85 Statement to county board; payment to state.** Every county
 3 treasurer shall, on the first day of the annual meeting of the county board of
 4 supervisors, submit to it a verified statement of all forfeitures, costs, fees, and
 5 surcharges imposed under ch. 814 and received during the previous year. The county
 6 clerk shall deduct all expenses incurred by the county in recovering those forfeitures,
 7 costs, fees, and surcharges from the aggregate amount so received, and shall
 8 immediately certify the amount of clear proceeds of those forfeitures, costs, fees, and

1 surcharges to the county treasurer, who shall pay the proceeds to the state as
2 provided in s. 59.25 (3). Jail surcharges imposed under ch. 814 shall be treated
3 separately as provided in s. 302.46 and part D of the ^{crime} victim witness assistance
4 surchage shall be treated separately as provided in s. 973.045 (2) (b). ✓

5 **SECTION 2.** 59.25 (3) (gm) of the statutes is created to read: ✓

6 59.25 (3) (gm) 1. Deposit all moneys received under s. 973.045 (2) (b) into a ✓
7 crime prevention fund and, on order of the board under par. (b), make payments to ✓
8 the following:

9 a. One or more private nonprofit organizations within the county that has as
10 its primary purpose preventing crime, encouraging the public to report crime, or
11 assisting law enforcement agencies in the apprehension of criminal offenders. ✓

12 b. A law enforcement agency within the county that has a crime prevention
13 fund, if the contribution is credited to the crime prevention fund and is used for crime
14 prevention purposes. ✓

15 2. Not less than 50 percent of the payments made under subd. 1. shall be made ✓
16 to one or more organizations described in subd. 1. a. ✓

17 **SECTION 3.** 59.40 (2) (n) of the statutes is amended to read: ✓

18 59.40 (2) (n) Pay monthly to the treasurer the amounts required by s. 302.46
19 (1) for the jail assessment surcharge and the amounts required by s. 973.045 (2) (b). ✓
20 The payments shall be made by the 15th day of the month following receipt thereof.

21 **SECTION 4.** 757.17 of the statutes is created to read: ✓

22 **757.17 Reporting by certain organizations and agencies.** Every ✓
23 organization or agency that receives funds under s. 59.25 (3) (gm) shall submit a ✓
24 report annually by February 1 to the clerk of the court for the county that distributed
25 the funds. The report shall be on a form designed and provided by the director of state

1 courts and shall include all of the following information for the calendar year
2 preceding the submittal of the report:

3 (1) The amount received. ✓

4 (2) The expenditures made with the funds. ✓

5 (3) The balance of the funds remaining. ✓

6 (4) The name of the organization or agency that received the funds and the
7 names of the officers of the organization or agency. ✓

8 SECTION 5. 973.045 (1) (a) ✓ of the statutes is amended to read:

9 973.045 (1) (a) For each misdemeanor offense or count, ~~\$67~~ \$77. ✓

10 SECTION 6. 973.045 (1) (b) ✓ of the statutes is amended to read:

11 973.045 (1) (b) For each felony offense or count, ~~\$92~~ \$102. ✓

12 SECTION 7. 973.045 (1r) (a) 4. of the statutes is created to read:

13 973.045 (1r) (a) 4. Part D equals \$10 ✓ for each misdemeanor offense or count and
14 \$10 ✓ for each felony offense or count.

15 SECTION 8. 973.045 (2) ✓ of the statutes is renumbered 973.045 (2) (a) and
16 amended to read:

17 973.045 (2) (a) After the clerk determines the amount due, the clerk of court
18 shall collect and transmit the ~~amount~~ amounts collected under parts A, B, and C ✓ to
19 the county treasurer under s. 59.40 (2) (m). The county treasurer shall then make
20 payment to the secretary of administration under s. 59.25 (3) (f) 2.

21 SECTION 9. 973.045 (2) (b) ✓ of the statutes is created to read:

22 973.045 (2) (b) After the clerk determines the amount due, the clerk of court
23 shall collect and transmit the amount collected under part C to the county treasurer
24 under s. 59.40 (2) (n). ✓ The county treasurer shall then distribute the moneys under
25 s. 59.25 (3) (gm). ✓

1 **SECTION 10.** 973.045 (3) (d) of the statutes is created to read:
2 973.045 (3) (d) The person paying the crime victim and witness assistance
3 surcharge shall pay all of the moneys due under parts A, B, and C before he or she
4 pays any of the moneys due under part D.
5 (END)

October 16, 2012

Suggested Amendment CRIME PREVENTION FUNDING BILL

AN ACT to renumber and amend 973.045 (2); to amend 23.85, 59.40 (2) (n), 973.045 (1) (a) and 973.045 (1) (b); and to create 59.25 (3) (gm), 757.17, 973.045 (lr) (a) 4., 973.045 (2) (b) and 973.045 (3) (d) of the statutes; relating to:

increasing the crime victim and witness assistance surcharge and creating a surcharge for municipal ordinance convictions and dedicating funds for crime prevention organizations.

Analysis by the Legislative Reference Bureau

Under current law, if a person commits a crime, the court that sentences the person or places the person on probation must impose a surcharge in addition to any other sentence imposed upon the person. Currently, if the person is convicted of a misdemeanor, he or she must pay \$67; if the person is convicted of a felony, he or she must pay \$92. The surcharge is divided three ways: part A (\$40 for each misdemeanor surcharge and \$65 for each felony surcharge), part B (\$20 for each misdemeanor and felony surcharge), and part C (\$7 for each misdemeanor and felony surcharge).

Currently, the clerk of courts collects the surcharge amounts and forwards them to the county treasurer, who in turn forwards them to the Department of Administration to help fund programs for victims and witnesses of crime.

Funds from parts A and C are used to reimburse victims and witnesses and reimburse counties for victim and witness programs. Funds from part B are used to fund services for victims of sexual assault. Current law requires a person who is assessed this surcharge to pay part A in full before he or she pays part B, and both parts A and B before he or she pays part C.

This substitute amendment increases the surcharge by \$10 for a misdemeanor and for a felony, and creates a \$10 surcharge for a municipal ordinance conviction. The substitute amendment creates a part D which is funded by \$10 for each misdemeanor or felony and which a person who is assessed the surcharge may pay only after he or she pays parts A, B, and C in full.

Under the substitute amendment, the clerk of court forwards the amounts collected under part D to the county treasurer, and the municipal court clerk collects the \$10 surcharge for the municipal ordinance conviction and forwards this amount to the county treasurer.

Under the substitute amendment, the county treasurer pays the funds it receives from part D of the surcharge and from the municipal court clerk to a separate crime prevention fund that is controlled by a newly-created Crime Prevention Distribution Board of that county. The funds must go to one or more private, nonprofit organizations that has as its primary purpose preventing crime, providing a long-term source of funds for crime prevention programs, encouraging the public to report crime, or assisting law enforcement agencies in the apprehension of criminal offenders. Funds may also go to a law enforcement agency that has a crime prevention fund, if the contribution is credited to the crime prevention fund and used for crime prevention purposes. The substitute amendment requires any crime prevention organization or law enforcement agency that receives a contribution surcharge to submit a report annually to the clerk of court that ordered the contribution. The report must list

the names of the officers of the organization or the law enforcement agency, the amount of contributions the organization or agency received, how the contributions were spent or invested, and the balance, if any, remaining at the time the report is made.

*The people of the state of Wisconsin, represented in senate and assembly,
do enact as follows:*

SECTION 1. 23.85 of the statutes is amended to read:

23.85 Statement to county board; payment to state.

Every county treasurer shall, on the first day of the annual meeting of the county board of supervisors, submit to it a verified statement of all forfeitures, costs, fees, and surcharges imposed under ch. 814 and received during the previous year. The county clerk shall deduct all reasonable expenses incurred by the county in recovering those forfeitures, costs, fees, and surcharges from the aggregate amount so received, and shall immediately certify the amount of clear proceeds of those forfeitures, costs, fees, and surcharges to the county treasurer, who shall pay the proceeds to the state as provided in s. 59.25 (3). Jail surcharges imposed under ch. 814 shall be treated separately as provided in s. 302.46 and part D of the victim witness assistance surcharge shall be treated separately as provided in s. 973.045 (2) (b).

SECTION 2. 59.25 (3) (gm) of the statutes is created to read:

59.25 (3) (gm) 1. Deposit all moneys received under s. 973.045 (2) (b) into a crime prevention fund and shall make payment to the Crime Prevention Distribution Board of that county, which shall distribute the funds to the following:

- a. one or more private nonprofit organizations within the county that

has as its primary purpose preventing crime, providing a long-term source of funds for crime prevention programs, encouraging the public to report crime, or assisting law enforcement agencies in the apprehension of criminal offenders; or

- b. a law enforcement agency that has a crime prevention fund, if the contribution is credited to the crime prevention fund and is used for crime prevention purposes.

SECTION 3. 59.40 (2) (n) of the statutes is amended to read:

59.40 (2) (n) Pay monthly to the treasurer the amounts required by s. 302.46 (1) for the jail assessment surcharge and the amounts required by s. 973.045 (2) (b). The payments shall be made by the 15th day of the month following receipt thereof.

SECTION 4. 757.17 of the statutes is created to read:

757.17 Reporting by certain organizations and agencies. Every organization or agency that receives funds under s. 59.25 (3) (gm) shall submit a report annually by February 1 to the clerk of court for the county that distributed the funds and to all contributing courts within the county. The report shall be on a form designed and provided by the director of state courts and shall include all of the following information for the calendar year preceding the submittal of the report:

- (1) The amount received.
- (2) The expenditures made with the funds.
- (3) The balance of the funds remaining.
- (4) The name of the organization or agency that received the funds and the names of the officers of the organization or agency.

SECTION 5. 973.045 (1) (a) of the statutes is amended to read:
973.045 (1) (a) For each misdemeanor offense or count, \$77.

SECTION 6. 973.045 (1) (b) of the statutes is amended to read:
973.045 (1) (b) For each felony offense or count, \$102.

SECTION 7. 973.045 (1r) (a) 4. of the statutes is amended to read:
973.045 (1r) (a) 4. Part D equals \$10 for each misdemeanor offense or count and \$10 for each felony offense or count.

SECTION 8. 973.045 (2) of the statutes is renumbered 973.045 (2) (a) and amended to read:
973.045 (2) (a) After the clerk determines the amount due, the clerk of court shall collect and transmit the amounts collected under parts A, B, and C to the county treasurer under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration under s. 59.25 (3) (f) 2.

SECTION 9. 973.045 (2) (b) of the statutes is created to read:
973.045 (2) (b) After the clerk determines the amount due, the clerk of court shall collect and transmit the amount collected under part C to the county treasurer under s. 59.40 (2) (n). The county treasurer shall then distribute the moneys under s. 59.25 (3) (gm).

SECTION 10. 973.045 (3) (d) of the statutes is created to read:
973.045 (3) (d) The person paying the crime victim and witness assistance surcharge shall pay all of the moneys due under parts A, B, and C before he or she pays any of the moneys due under part D.

The newly crated \$10 surcharge for a municipal ordinance conviction, which is to be collected by the municipal court clerk and forwarded, after the deduction for all reasonable expenses incurred by the municipality in collecting the surcharge from the aggregate so received, to the county treasurer. The municipal court clerk shall certify the total surcharges collected, the deduction for reasonable expenses incurred, and the net proceeds that are being forwarded to the county treasurer. The county treasurer will then forward the information and funds thus provided the Crime Prevention Distribution Board of that county.

Each county shall have a Crime Prevention Distribution Board composed of the following seven members:

1. A designate of the Presiding Judge of the Circuit Court;
2. A designate of the County District Attorney;
3. A designate of the County Sheriff;
4. A designate of the County Executive or the County Administrator if no County Executive office exists;
5. A designate of the Mayor of the largest municipality by population that has a municipal court;
6. A designate of the chiefs of police of all county law enforcement agencies; and
7. A designate of the Public Defender's Office of the County.

The Crime Prevention Distribution Board shall:

1. Receive all surcharges collected by the county and the municipalities within that county for the purpose of providing funds for supporting crime prevention;
2. Distribute the funds to one or more private, nonprofit organizations that has as its primary purpose preventing crime, providing a long-

term source of funds for crime prevention programs, encouraging the public to report a crime, or assisting law enforcement agencies in the apprehension of criminal offenders. Funds may also go to a law enforcement agency within the county that has a crime prevention fund and is used for crime prevention purposes;

3. Require as a condition of funds distribution that the private, nonprofit organization or law enforcement agency submit a written report within one year of receipt of funds that lists the names of the officers of that organization or agency; the amount of funds the organization or agency received; how the funds were distributed; and the balance if any, remaining at the time the report is made.
4. Submit a report annually to the clerk of the court that ordered the crime prevention fund surcharge, to the county treasurer that provided the funds to the Board, to the clerk of the municipal court that provided funds to the Board, to the county board, and to the legislative body of each municipality within the county, that includes all of the following information for the calendar year preceding the submittal of the report:
 1. The total amount received by the Board.
 2. The expenditures made with the funds.
 3. The balance of the funds remaining.
 4. The name of the organization or agency that received the funds and the names of the officers of the organization or agency.

Shovers, Marc

From: Jacque, Andre
Sent: Tuesday, November 20, 2012 3:13 PM
To: Shovers, Marc
Subject: FW: Requested change to LRB 0129

Hi Marc-

Could you also make the proposed surcharge \$20 instead of \$10?
Thanks!

André

From: Hurley, Peggy
Sent: Monday, November 19, 2012 9:04 AM
To: Jacque, Andre
Cc: Shovers, Marc
Subject: RE: Requested change to LRB 0129

Hi Andre,

I think that these changes should be done by one of the attorneys who specializes in counties' issues; I will forward this message to Marc Shovers. If there are changes necessary in any of the criminal procedure or general courts chapters, I will draft those. We will get another draft to you as soon as we can.

Peggy

From: Jacque, Andre
Sent: Monday, November 19, 2012 1:35 AM
To: Hurley, Peggy
Subject: Requested change to LRB 0129

Hi Peggy,

After talking with a variety of stakeholders (retired/current judges, sheriffs, other local elected officials) regarding my crime prevention restitution proposal (LRB 0129/1), I'd like to request a few changes to incorporate within a /2 draft:

- 1) The county treasurer places the funds received in an account controlled by a newly-formed, seven person Crime Prevention Distribution Board (CPDB) within each county where the charge is collected, composed of a designated representative of each of the following: the presiding judge of the Circuit Court; the District Attorney, the Sheriff, the County Executive (or County Administrator if there is no County Executive); mayor of the largest municipality by population, designee of the chiefs of police of all county law enforcement agencies; the county public defender's office
- 2) This CPDB can award grants to either private, non-profit organizations whose primary purpose is preventing crime or to a law enforcement agency if it has a crime prevention fund;
- 3) Both the CPDB and the grantees have initial and annual disclosure requirements including identifying the leadership of grantees and a full accounting for funds provided and dispensed;
- 4) The annual reporting is provided to the county court system and all legislative bodies within the county;
- 5) The Crime Prevention Distribution Board membership is inclusive of a wide-ranging group of law enforcement and crime prevention interests;

6) There are multiple public disclosure requirements of all those involved with the collection of surcharge funds; the placement of the funds, and the use of the funds.

7) Reasonable expenses are reimbursed for the Clerk Courts office collecting and forwarding the funds to the CPDB.

Thanks for your help!

André



State of Wisconsin
2013 - 2014 LEGISLATURE



2013 BILL

RUF

D-note

regem

X

1 AN ACT *to renumber and amend* 973.045 (2); *to amend* 23.85, 59.40 (2) (n),
2 973.045 (1) (a) and 973.045 (1) (b); and *to create* 59.25 (3) (gm), 757.17, 973.045
3 (1r) (a) 4., 973.045 (2) (b) and 973.045 (3) (d) of the statutes; **relating to:**

4 increasing the crime victim and witness assistance surcharge, ~~and~~ dedicating
5 funds for crime prevention organizations, *and creating local crime prevention distribution boards*
and

Analysis by the Legislative Reference Bureau

Under current law, if a person commits a crime, the court that sentences the person or places the person on probation must impose a surcharge in addition to any other sentence imposed upon the person. Currently, if the person is convicted of a misdemeanor, he or she must pay \$67; if the person is convicted of a felony, he or she must pay \$92. The surcharge is divided three ways: part A (\$40 for each misdemeanor surcharge and \$65 for each felony surcharge), part B (\$20 for each misdemeanor and felony surcharge), and part C (\$7 for each misdemeanor and felony surcharge).

Currently, the clerk of courts collects the surcharge amounts and forwards them to the county treasurer, who in turn forwards them to the Department of Administration to help fund programs for victims and witnesses of crime. Funds from parts A and C are used to reimburse victims and witnesses and reimburse counties for victim and witness programs. Funds from part B are used to fund services for victims of sexual assault. Current law requires a person who is assessed this surcharge to pay part A in full before he or she pays part B, and both parts A and B before he or she pays part C.

BILL

✓
(20)
This bill increases the surcharge by ~~\$10~~ for a misdemeanor and for a felony. The bill creates a part D, which is funded by ~~\$10~~ for each misdemeanor or felony and which a person who is assessed the surcharge may pay only after he or she pays parts A, B, and C in full. Under the bill, the clerk of court forwards the amounts collected under part D to the county treasurer along with the other parts of the surcharge, but the treasurer retains those funds in a crime prevention fund.

INS
ANL
Under the bill, the county treasurer, with the approval of the county board, pays the funds it receives from part D of the surcharge to a crime prevention organization. At least one-half of the funds must go to one or more private, nonprofit organizations that has as its primary purpose preventing crime, encouraging the public to report crime, or assisting law enforcement agencies in the apprehension of criminal offenders. The treasurer may pay the rest of the funds to a law enforcement agency that has a crime prevention fund, if the contribution is credited to the crime prevention fund and is used for crime prevention purposes. The bill requires any crime prevention organization that receives a contribution surcharge to submit a report annually to the clerk of the court that ordered the contribution. The report must list the names of the officers of the organization, the amount of contributions the organization received, how the contributions were spent, and the balance, if any, remaining at the time the report is made.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.85 of the statutes is amended to read:

2 **23.85 Statement to county board; payment to state.** Every county
3 treasurer shall, on the first day of the annual meeting of the county board of
4 supervisors, submit to it a verified statement of all forfeitures, costs, fees, and
5 surcharges imposed under ch. 814 and received during the previous year. The county
6 clerk shall deduct all expenses incurred by the county in recovering those forfeitures,
7 costs, fees, and surcharges from the aggregate amount so received, and shall
8 immediately certify the amount of clear proceeds of those forfeitures, costs, fees, and
9 surcharges to the county treasurer, who shall pay the proceeds to the state as
10 provided in s. 59.25 (3). Jail surcharges imposed under ch. 814 shall be treated

BILL

1 separately as provided in s. 302.46 and part D of the crime victim witness assistance
 2 surchage shall be treated separately as provided in s. 973.045 (2) (b).

3 **SECTION 2.** 59.25 (3) (gm) of the statutes is created to read:

4 59.25 (3) (gm) ¹ Deposit all moneys received under s. 973.045 (2) (b) into a
 5 crime prevention fund and, on order of the ^{crime} board under ~~par. (b)~~ make payments ^{DHS 9.54 (28) (d) ✓}
 6 ~~the following~~ ^{as the crime board directs, ✓} ~~to~~ ^{grant}

7 a. One or more private nonprofit organizations within the county that has as
 8 its primary purpose preventing crime, encouraging the public to report crime, or
 9 assisting law enforcement agencies in the apprehension of criminal offenders. ✓

10 b. A law enforcement agency within the county that has a crime prevention
 11 fund, if the contribution is credited to the crime prevention fund and is used for crime
 12 prevention purposes. ✓

13 2. Not less than 50 percent of the payments made under subd. 1. shall be made
 14 to one or more organizations described in subd. 1. a. ✓

15 **SECTION 3.** 59.40 (2) (n) of the statutes is amended to read:

16 59.40 (2) (n) Pay monthly to the treasurer the amounts required by s. 302.46
 17 (1) for the jail assessment surcharge and the amounts required by s. 973.045 (2) (b). ✓

18 The payments shall be made by the 15th day of the month following receipt thereof. ✓

19 **SECTION 4.** 757.17 of the statutes is created to read:

20 **757.17 Reporting by certain organizations and agencies.** Every
 21 organization or agency that receives funds under s. 59.25 (3) (gm) shall submit a
 22 report annually by February 1 to the clerk of the court for the county that distributed
 23 the funds. The report shall be on a form designed and provided by the director of state
 24 courts and shall include all of the following information for the calendar year
 25 preceding the submittal of the report:

INS
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to
P. 2 of
INSNES

INS
3-A

BILL

1 (1) The amount received.

2 (2) The expenditures made with the funds.

3 (3) The balance of the funds remaining.

4 (4) The name of the organization or agency that received the funds and the

5 names of the officers of the organization or agency.

6 **SECTION 5.** 973.045 (1) (a) of the statutes is amended to read:

7 973.045 (1) (a) For each misdemeanor offense or count, ~~\$67~~ \$77.

8 **SECTION 6.** 973.045 (1) (b) of the statutes is amended to read:

9 973.045 (1) (b) For each felony offense or count, ~~\$92~~ \$102.

10 **SECTION 7.** 973.045 (1r) (a) 4. of the statutes is created to read:

11 973.045 (1r) (a) 4. Part D equals ~~\$10~~ ²⁰ for each misdemeanor offense or count and
12 \$10 for each felony offense or count.

13 **SECTION 8.** 973.045 (2) of the statutes is renumbered 973.045 (2) (a) and
14 amended to read:

15 973.045 (2) (a) After the clerk determines the amount due, the clerk of court
16 shall collect and transmit the ~~amount~~ amounts collected under parts A, B, and C to
17 the county treasurer under s. 59.40 (2) (m). The county treasurer shall then make
18 payment to the secretary of administration under s. 59.25 (3) (f) 2.

19 **SECTION 9.** 973.045 (2) (b) of the statutes is created to read:

20 973.045 (2) (b) After the clerk determines the amount due, the clerk of court
21 shall collect and transmit the amount collected under part ~~C~~ ^D to the county treasurer
22 under s. 59.40 (2) (n). The county treasurer shall then distribute the moneys under
23 s. 59.25 (3) (gm).

24 **SECTION 10.** 973.045 (3) (d) of the statutes is created to read:

*Spaid
H. S. be [signature]*

BILL

1 973.045 (3) (d) The person paying the crime victim and witness assistance
2 surcharge shall pay all of the moneys due under parts A, B, and C before he or she
3 ✓ pays any of the moneys due under part D.

(END)

D-note

INS ANL

Under the bill, a county treasurer deposits the funds he or she receives from part D of the surcharge into a crime prevention fund. Moneys from the fund are distributed as grants at the direction of a crime prevention and distribution board (crime board). Under the bill, a crime board is created in every county whose treasurer receives funds from a part D surcharge. Each crime board consists of members: the presiding judge of the circuit court, or his or her designee; the district attorney, or his or her designee; the sheriff, or his or her designee; ~~either~~ the county executive, county administrator, or county board chair; the chief elected official of the city, village, or town with the largest population in the county; a person chosen by a majority vote of the top law enforcement officials of the departments which are located in the county; and a person chosen by the public defender's office.

A crime board may solicit grant applications from certain specified entities and may award grants to such entities. At least one-half of the funds must go to one or more private, nonprofit organizations that has as its primary purpose preventing crime, encouraging the public to report crime, or assisting law enforcement agencies in the apprehension of criminal offenders. A crime board may direct that the rest of the funds be distributed to a law enforcement agency that has a crime prevention fund, if the contribution is credited to the crime prevention fund and is used for crime prevention purposes. The bill requires that a crime board and any entity which receives a grant from a crime board must submit an annual report to certain specified entities detailing the amounts spent, the purposes for which the grants were spent, and contact information for the entity and the entity's leaders. The reports must be distributed to the clerk of court for the county that distributed the funds, the county board, and the governing bodies of the cities, villages, and towns in the county.

INS 3-18

SECTION 1. 59.54 (28) of the statutes is created to read:

59.54 (28) CRIME PREVENTION AND DISTRIBUTION BOARD. (a) In this section:

1. "Chief elected official" means the mayor of a city or, if the city is organized under subch. I of ch. 64, the president of the council of that city, the village president of a village, or the town board chairperson of a town.
2. "Crime board" means the crime prevention and distribution board that is created under this subsection.
3. "Municipality" means a city, village, or town.

* (b) There is created in each county⁸ in which the treasurer receives moneys and deposits them as described in s. 59.25 (3) (gm), a crime board. The funds in such an account may be distributed upon the direction of the crime board under sub. (4). The crime board shall meet, and its members shall receive such compensation and expenses and shall serve for the terms that the county board determines. ✓

(stet) (stet)

(c) A county crime board shall consist of the following members: ✓

1. The presiding judge of the circuit court, or his or her designee. ✓
2. The district attorney, or his or her designee. ✓
3. The sheriff, or his or her designee. ✓
4. One of the following county officials, or his or her designee: ✓
 - a. The county executive. ✓
 - b. If the county does not have a county executive, the county administrator. ✓
 - c. The chairperson of the county board of supervisors if the county does not have a county executive or a county administrator. ✓
5. The chief elected official of the largest municipality in the county, as determined by population, or his or her designee. ✓

* 6. A person chosen by a majority vote of the sheriff and all of the chiefs of police departments ^{that} ~~which~~ are located wholly or partly within the county. ✓

7. A person chosen by the county's public defender's office. ✓

(d) 1. The crime board may solicit applications for grants in a format determined by the crime board, and may vote to direct the treasurer to distribute grants to applicants from moneys in the crime prevention fund under s. 59.25 (3) (gm). The crime board may direct the treasurer to distribute grants to any of the following entities, in amounts determined by the crime board:

INS X, moved from p. 3 of the bill

INS X (move from p. 3)



(e) Annually, the crime board shall submit a report on its activities to the clerk of court for the county that distributed the funds, to the county board, and to the legislative bodies of each municipality that is located wholly or partly within the county. ✓ The report shall contain at least all of the following information for the year to which the report relates: ✓

1. The name and address of each entity that received a grant, including contact information for the leadership of the entity. ✓

2. A full accounting of all funds disbursed by the treasurer at the direction of the crime board, including the amount of the funds disbursed, the dates of disbursal, and the purposes for which the grant was made. ✓

(f) Annually, each recipient of a grant awarded under this ✓ subsection shall submit a report on its activities to all of the entities specified in ✓ par. (e). The report shall contain at least all of the following information for the year to which the report relates:

1. The name and address of the entity. ✓

2. The name and address, and title, of each member of the governing body of the entity. ✓

3. The purposes for which the grant money was spent. ✓

4. A detailed accounting of all receipts and expenditures of the entity that relate to the grant money. ✓

5. The balance of any funds remaining. ✓

INS 5-3

SECTION 2. Nonstatutory provisions.

(1) Upon the creation of a crime prevention and distribution board, ✓ the initial members of the board specified under section 59.54 (28) (c) ✓ of the statutes shall



* declare that they are serving on the board, or appoint their designees, not later than the first day of the ^{4th} ~~fourth~~ month beginning after a board is created.

INS D-Note

Representative Jacque:

* Please review this draft very carefully to ensure that it meets your intent. Your most recent instructions did not specify many details for the crime prevention ^{and} distribution boards ^{which} ~~are~~ ^{that} created in s. 59.54 (28) [✓] of the draft, such as guidelines for an appointing authority, whether confirmation is required by any entity, terms, removal, vacancies, compensation, or any specifications for how the board ^s should operate.

* Consequently, created s. 59.54 (28) (d) [✓] specifies only that "The crime board shall meet, and its members shall receive such compensation and expenses and shall serve for the terms that the county board determines." This language is based on a current law provision in s. 59.53 [✓] (18) (a), ^{stats. 3} which applies to county immigration boards. [✓] If you'd like any more specific information to govern the crime boards, please let me know and the bill can be redrafted. For an example of very detailed specifications for a board, please see s. 62.23 (7) (e) 2., ^{stats. 3} which applies to a municipal board of zoning appeals.

MES

* ^① Also, is the time frame for declaring ^{crime} membership on the board or designating another person, as provided in the nonstatutory provision, consistent with your intent?

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0129/2dn
MES:jld:jm

December 4, 2012

Representative Jacque:

Please review this draft very carefully to ensure that it meets your intent. Your most recent instructions did not specify many details for the crime prevention and distribution boards that are created in s. 59.54 (28) of the draft, such as guidelines for an appointing authority, whether confirmation is required by any entity, terms, removal, vacancies, compensation, or any specifications for how the boards should operate.

Consequently, created s. 59.54 (28) (d) specifies only that "The crime board shall meet, and its members shall receive such compensation and expenses and shall serve for the terms that the county board determines." This language is based on a current law provision in s. 59.53 (18) (a), stats., which applies to county immigration boards. If you'd like any more specific information to govern the crime boards, please let me know and the bill can be redrafted. For an example of very detailed specifications for a board, please see s. 62.23 (7) (e) 2., stats., which applies to a municipal board of zoning appeals.

Also, is the time frame for declaring membership on the crime board or designating another person, as provided in the nonstatutory provision, consistent with your intent?

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

Shovers, Marc

From: Jacque, Andre
Sent: Wednesday, December 12, 2012 2:54 PM
To: Shovers, Marc
Cc: Hurley, Peggy
Subject: Last tweaks to Crime Prevention Bill

Hi Marc,

Please see below a couple of additional change requests for LRB 0129. If it's possible to get an updated draft by the end of the week, it would be much appreciated.

Thanks!
André

From: Murdevpat@aol.com [mailto:Murdevpat@aol.com]
Sent: Monday, December 10, 2012 2:24 PM
To: Jacque, Andre
Cc: psycshrf@netnet.net; mark.warpinski@gmail.com; ecgenrich@gmail.com
Subject: suggested changes

Hi, Andre

At our meeting this noon, we discovered areas in the Bill that we'd like to see modified. Specifically:

A. on page 4 (most important): **lines 1 thru 5** should be re-written as follows:

"(b) There is created in each county, in which the treasurer receives moneys and deposits them as described in s. 59.25 (3) (gm), a crime prevention funding board. The funds in such an account may be distributed upon the direction of the crime prevention funding board under sub. (4). The crime prevention funding board shall meet, and its members shall receive no compensation, except that they may be reimbursed for reasonable expenses in the performance of its duties. Individual members shall serve for a length of term that its membership determines."

[The purpose of this re-draft is two-fold:

- (1) Only reasonable expenses are permitted; and
- (2) Term duration will be decided internally, not by county board.]

B. Also on Page 4, there is a reference on line 3 to sub. (4), which appears to be missing.

D. On page 4:

2. 1. Line 5 should read: "...shall serve for the terms that its appointing authority determines." (ie. length of term is not determined by a county board.)

2. Line 6 should start: " (c) A county crime prevention funding board shall..." - *is the defined term*

E. On page 5:

1. Line 2 should add the words: "...prevention crime, providing a long-term source of funds for crime prevention programs, ..."

F. On page 6:

1. Line 6 should be \$87, not \$77

2. Line 8 should be \$112, not \$102

3. Line 11 should be \$20, not \$10

G. On page 7:

1. Like the other changes, line 5 should be "...a crime prevention funding board", instead of "a crime prevention and distribution board" or "a crime board".

In a message dated 12/5/2012 1:37:51 P.M. Central Standard Time, Andre.Jacque@legis.wisconsin.gov writes:

Hello All,

Attached is the redraft of the crime prevention bill I will be reintroducing in January, which incorporates the suggested changes from our past discussions- please let me know if you have any additional feedback. I am happy to report that I will be chairing the Assembly's Public Safety Committee, and it is likely that I can have the bill referred to my committee and advance it quickly. My appointed vice chair, Ed Brooks, had reservations about supporting the bill last session though I believe I will have his support by the start of session.

Tom- could you please forward the proposal to Eric Genrich and check with him on his availability to meet regarding this proposal sometime next week? If we gain his support, I would like to include his name among the bill's initial co-sponsors when I send out the co-sponsorship memo at the start of session. I will be in Madison next Wednesday, but am free in the AM on Tuesday and in the afternoon on Monday, Tuesday, Thursday & Friday. After Eric, we can meet with Dave Hansen.

Thanks for all your help!
Andre

Shovers, Marc

From: Jacque, Andre
Sent: Monday, December 10, 2012 6:47 AM
To: Shovers, Marc; Hurley, Peggy
Subject: FW: New draft of Crime Prevention legislation

Thanks for all of your work on LRB 129... Could you please incorporate the suggested changes below into an updated draft?

Thanks Again,
Andre

From: Murdevpat@aol.com [<mailto:Murdevpat@aol.com>]
Sent: Friday, December 07, 2012 9:38 AM
To: Jacque, Andre
Cc: mark.warpinski@gmail.com; psycshrf@netnet.net
Subject: Re: New draft of Crime Prevention legislation

Hi, Andre

Here are suggested changes (A-G) that I believe will improve the redraft of the Crime Prevention Funding Bill that you've sent. I would like to discuss any of these suggestions with you if you want.

Thanks,
Pat

A. Starting on the first page (2013 Bill), on lines 5 and 6, change wording to "...and creating local crime prevention funding boards."

B. Also, on page one, replace commas with semi-colons at two spots:

1. (just prior to "...part B" and
2. After "...felony surcharge)"

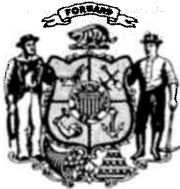
C. On page 2:

1. on line 12, refer to the board as the "crime prevention funding board", instead of the "crime prevention and distribution board."
2. Also, starting on line 13 and always there after, use (CPFB), instead of "crime board". (or write out full wording)

General Note: I think Crime Prevention Funding Board (CPFB) is a much better name than "crime board" or "crime prevention and distribution board". That name should replace "crime board" wherever that appears throughout.

3. On line 17, after "...the county board chair person" add "or his or her designee;"
4. On line 18, after "...population in the county" add "or his or her designee;"
5. The third paragraph on page 2, second sentence should be changed to: "At least one-half of the funds must go to one or more private, nonprofit organizations that has as its primary purpose preventing crime, providing a long-term source of funds for crime prevention programs, encouraging..."
6. On page 2, use the word "provided" in place of the word "distributed" in the sentence that reads, in part, "...for the county that distributed the funds..."

Not done - not really accurate



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0129/23
PJH&MES:jld

RMR

2013 BILL

SOON

repeal

X

1 AN ACT *to renumber and amend* 973.045 (2); *to amend* 23.85, 59.40 (2) (n),
2 973.045 (1) (a) and 973.045 (1) (b); and *to create* 59.25 (3) (gm), 59.54 (28),
3 973.045 (1r) (a) 4., 973.045 (2) (b) and 973.045 (3) (d) of the statutes; **relating**
4 **to:** increasing the crime victim and witness assistance surcharge, dedicating
5 funds for crime prevention organizations, and creating local crime prevention
6 ~~boards.~~ *funding*

Analysis by the Legislative Reference Bureau

semicolons

Under current law, if a person commits a crime, the court that sentences the person or places the person on probation must impose a surcharge in addition to any other sentence imposed upon the person. Currently, if the person is convicted of a misdemeanor, he or she must pay \$67; if the person is convicted of a felony, he or she must pay \$92. The surcharge is divided three ways: part A (\$40 for each misdemeanor surcharge and \$65 for each felony surcharge), part B (\$20 for each misdemeanor and felony surcharge), and part C (\$7 for each misdemeanor and felony surcharge). *

Currently, the clerk of courts collects the surcharge amounts and forwards them to the county treasurer, who in turn forwards them to the Department of Administration to help fund programs for victims and witnesses of crime. Funds from parts A and C are used to reimburse victims and witnesses and reimburse counties for victim and witness programs. Funds from part B are used to fund *

BILL

services for victims of sexual assault. Current law requires a person who is assessed this surcharge to pay part A in full before he or she pays part B, and both parts A and B before he or she pays part C.

This bill increases the surcharge by \$20 for a misdemeanor and for a felony. The bill creates a part D, which is funded by \$20 for each misdemeanor or felony and which a person who is assessed the surcharge may pay only after he or she pays parts A, B, and C in full. Under the bill, the clerk of court forwards the amounts collected under part D to the county treasurer along with the other parts of the surcharge, but the treasurer retains those funds in a crime prevention fund.

Under the bill, a county treasurer deposits the funds he or she receives from part D of the surcharge into a crime prevention fund. Moneys from the fund are distributed as grants at the direction of a crime prevention ~~and distribution~~ board (crime board). Under the bill, a ~~crime board~~ is created in every county whose treasurer receives funds from a part D surcharge. Each ~~crime board~~ consists of seven members: the presiding judge of the circuit court, or his or her designee; the district attorney, or his or her designee; the sheriff, or his or her designee; the county executive, county administrator, or county board chairperson; the chief elected official of the city, village, or town with the largest population in the county; a person chosen by a majority vote of the top law enforcement officials of the departments that are located in the county; and a person chosen by the county's public defender's office.

A ~~crime board~~ may solicit grant applications from certain specified entities and may award grants to such entities. At least one-half of the funds must go to one or more private, nonprofit organizations that has as its primary purpose preventing crime, encouraging the public to report crime, or assisting law enforcement agencies in the apprehension of criminal offenders. A ~~crime board~~ may direct that the rest of the funds be distributed to a law enforcement agency that has a crime prevention fund, if the contribution is credited to the crime prevention fund and is used for crime prevention purposes. The bill requires that a ~~crime board~~ and any entity that receives a grant from a ~~crime board~~ must submit an annual report to certain specified entities detailing the amounts spent, the purposes for which the grants were spent, and contact information for the entity and the entity's leaders. The reports must be distributed to the clerk of court for the county that distributed the funds, the county board, and the governing bodies of the cities, villages, and towns in the county.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 23.85 of the statutes is amended to read:

23.85 Statement to county board; payment to state. Every county treasurer shall, on the first day of the annual meeting of the county board of

CPFB

funding

or his or her designee

Member of a CPFB may be reimbursed for expense but may not receive any other compensation. Members serve for a term that is determined by the CPFB.

providing a funding source for crime prevention programs

BILL

supervisors, submit to it a verified statement of all forfeitures, costs, fees, and surcharges imposed under ch. 814 and received during the previous year. The county clerk shall deduct all expenses incurred by the county in recovering those forfeitures, costs, fees, and surcharges from the aggregate amount so received, and shall immediately certify the amount of clear proceeds of those forfeitures, costs, fees, and surcharges to the county treasurer, who shall pay the proceeds to the state as provided in s. 59.25 (3). Jail surcharges imposed under ch. 814 shall be treated separately as provided in s. 302.46 and part D of the crime victim witness assistance surcharge shall be treated separately as provided in s. 973.045 (2) (b).

SECTION 2. 59.25 (3) (gm) of the statutes is created to read:

59.25 (3) (gm) Deposit all moneys received under s. 973.045 (2) (b) into a crime prevention fund and, on order of the crime board under s. 59.54 (28) (d), make grant payments as the crime board directs.

SECTION 3. 59.40 (2) (n) of the statutes is amended to read:

59.40 (2) (n) Pay monthly to the treasurer the amounts required by s. 302.46 (1) for the jail assessment surcharge and the amounts required by s. 973.045 (2) (b). The payments shall be made by the 15th day of the month following receipt thereof.

SECTION 4. 59.54 (28) of the statutes is created to read:

59.54 (28) CRIME PREVENTION AND DISTRIBUTION BOARD. (a) In this subsection:

1. "Chief elected official" means the mayor of a city or, if the city is organized under subch. I of ch. 64, the president of the council of that city, the village president of a village, or the town board chairperson of a town.

2. "Crime board" means the crime prevention and distribution board that is created under this subsection.

3. "Municipality" means a city, village, or town.

BILL

SECTION 4

(b) There is created in each county, in which the treasurer receives moneys and deposits them as described in s. 59.25 (3) (gm), a crime board. The funds in such an

account may be distributed upon the direction of the crime board under ^{par. (d)} ~~subm.~~. The

crime board shall meet, and its members ~~shall~~ ^{may} receive ~~such~~ ^{no} compensation ~~and~~

^{reimbursement for actual and reasonable} expenses, ~~and~~ shall serve for the terms that ~~the county board determines~~ ^{are determined by the crime board} incurred in the performance of their duties. Members

(c) A county crime board shall consist of the following members:

1. The presiding judge of the circuit court, or his or her designee.

2. The district attorney, or his or her designee.

3. The sheriff, or his or her designee.

4. One of the following county officials, or his or her designee:

a. The county executive.

b. If the county does not have a county executive, the county administrator.

c. The chairperson of the county board of supervisors ^{or his or her designee,} if the county does not have

a county executive or a county administrator.

5. The chief elected official of the largest municipality in the county, as determined by population, or his or her designee.

6. A person chosen by a majority vote of the sheriff and all of the chiefs of police departments that are located wholly or partly within the county.

7. A person chosen by the county's public defender's office.

(d) 1. The crime board may solicit applications for grants in a format determined by the crime board, and may vote to direct the treasurer to distribute grants to applicants from moneys in the crime prevention fund under s. 59.25 (3) (gm). The crime board may direct the treasurer to distribute grants to any of the following entities, in amounts determined by the crime board:

BILL**SECTION 4***prevention programs*

1 a. One or more private nonprofit organizations within the county that has as
2 its primary purpose preventing crime, *providing a funding source for crime,* encouraging the public to report crime, or
3 assisting law enforcement agencies in the apprehension of criminal offenders.

4 b. A law enforcement agency within the county that has a crime prevention
5 fund, if the contribution is credited to the crime prevention fund and is used for crime
6 prevention purposes.

7 2. Not less than 50 percent of the payments made under subd. 1. shall be made
8 to one or more organizations described in subd. 1. a.

9 (e) Annually, the crime board shall submit a report on its activities to the clerk
10 of court for the county that distributed the funds, to the county board, and to the
11 legislative bodies of each municipality that is located wholly or partly within the
12 county. The report shall contain at least all of the following information for the year
13 to which the report relates:

14 1. The name and address of each entity that received a grant, including contact
15 information for the leadership of the entity.

16 2. A full accounting of all funds disbursed by the treasurer at the direction of
17 the crime board, including the amount of the funds disbursed, the dates of disbursement,
18 and the purposes for which the grant was made.

19 (f) Annually, each recipient of a grant awarded under this subsection shall
20 submit a report on its activities to all of the entities specified in par. (e). The report
21 shall contain at least all of the following information for the year to which the report
22 relates:

23 1. The name and address of the entity.

24 2. The name and address, and title, of each member of the governing body of
25 the entity.

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3. The purposes for which the grant money was spent.

4. A detailed accounting of all receipts and expenditures of the entity that relate to the grant money.

5. The balance of any funds remaining.

SECTION 5. 973.045 (1) (a) of the statutes is amended to read:

973.045 (1) (a) For each misdemeanor offense or count, \$67 ~~\$101~~ ✓ \$87

SECTION 6. 973.045 (1) (b) of the statutes is amended to read:

973.045 (1) (b) For each felony offense or count, \$92 ~~\$102~~ ✓ \$112

SECTION 7. 973.045 (1r) (a) 4. of the statutes is created to read:

973.045 (1r) (a) 4. Part D equals \$20 for each misdemeanor offense or count and

²⁰
\$10 for each felony offense or count.

SECTION 8. 973.045 (2) of the statutes is renumbered 973.045 (2) (a) and amended to read:

973.045 (2) (a) After the clerk determines the amount due, the clerk of court shall collect and transmit the amount amounts collected under parts A, B, and C to the county treasurer under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration under s. 59.25 (3) (f) 2.

SECTION 9. 973.045 (2) (b) of the statutes is created to read:

973.045 (2) (b) After the clerk determines the amount due, the clerk of court shall collect and transmit the amount collected under part D to the county treasurer under s. 59.40 (2) (n). The county treasurer shall then distribute the moneys under s. 59.25 (3) (gm).

SECTION 10. 973.045 (3) (d) of the statutes is created to read:

BILL

1 973.045 (3) (d) The person paying the crime victim and witness assistance
2 surcharge shall pay all of the moneys due under parts A, B, and C before he or she
3 pays any of the moneys due under part D.

4 **SECTION 11. Nonstatutory provisions.**

5 (1) Upon the creation of a crime prevention ~~and distribution~~ ^{funding} board, the initial
6 members of the board specified under section 59.54 (28) (c) of the statutes shall
7 declare that they are serving on the board, or appoint their designees, not later than
8 the first day of the 4th month beginning after a board is created.

9 (END)

Parisi, Lori

From: Julian, Jamie
Sent: Thursday, February 28, 2013 3:25 PM
To: LRB.Legal
Subject: Please Jacket: LRB -0129/3 Topic: Surcharge to fund crime prevention services; create local crime prevention and distribution boards

Jamie Julian – 266-9870

Please Jacket LRB -0129/3 for the ASSEMBLY.